

Practitioner's Docket No. 40526.10001

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:  
Stephen B. Maguire

Application No.: 10/066,338

Group No.: 1723

Filed: 31 January 2002

Examiner: D.L. Sorkin

For: LIQUID COLOR PUMPING METHOD  
AND SUPPLY APPARATUS

Confirmation No. 9844

Charles N. Quinn  
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Customer No. 34661  
Deposit Account: 50-1943

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*

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Express Mail certification is optional.)

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37 C.F.R. § 1.8(a)

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37 C.F.R. § 1.10\*

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## TRANSMISSION

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Date:

28 June 2006

Signature

Gayle Ruckstuhl

(type or print name of person certifying)

\* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

**PETITION TO REVIVE PRESUMABLY  
ABANDONED PATENT APPLICATION**

Applicant hereby petitions for the revival of this application. A notice of abandonment has not, to date been received.

The nature of the presumed abandonment is as follows:

On June 26, 2006, the undersigned received a telephone call from Examiner Sorkin regarding this application. Upon review of the Office records and file we found that, due to a docketing oversight, a response to a December 20, 2005 Notice of Non-compliant amendment, having a thirty-day time limit had not been filed.

This petition is being filed within one year of the date of the presumed abandonment.

The delay in submission of a response to the Notice of Non-compliant amendment was unintentional. The entire delay from the due date until the filing of this petition was unintentional.

This application is entitled to small entity status under 37 CFR 1.27.


Authorization is made to charge the petition fee of \$750.00 to Deposit Account No. 50-1943. A duplicate of this petition is attached.

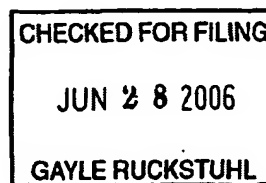
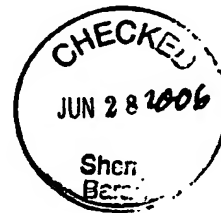
To the extent there is any additional fee required in connection with the receipt, acceptance and/or consideration of this paper and/or any accompanying papers submitted herewith, please charge all such fees to Deposit Account 50-1943.

This utility application was filed on or after June 8, 1995 and no terminal disclaimer is required.

Applicant submits concurrently herewith a Petition to Accept Claim of Priority in respect of this application.

Date: 29 June 2006

  
Charles N. Quinn  
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2000 Market Street, 10th Floor  
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215-299-2135  
Customer No. 34,661  
Attorney for Applicant





ATTORNEY DOCKET: 40526.10001  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Patent application of:  
Stephen B. Maguire

Group Art Unit: 1723

Serial No.: 10/066,338

Examiner:  
David L. Sorkin

Filed: January 31, 2002

For: LIQUID COLOR PUMPING METHOD AND  
SUPPLY APPARATUS

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Deposit Account: 50-1943  
USPTO Customer No. 34,661

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**PETITION TO ACCEPT CLAIM OF PRIORITY**

**BACKGROUND**

In the Examiner's action of November 9, 2004, the Examiner refused to enter applicant's May 25, 2004 amendment to the specification to include the claim of priority because the examiner believed that the official record of the United States Patent and Trademark Office did not reflect that the claim of

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priority was included with applicant's submission on March 12, 2002, in the declaration provided in response to the Notification of Missing parts, since the official record indicates that only two pages of the declaration, pages 1 and 3, were on file with the Office, and not the middle page (page 2) that contained the claim of priority.

In applicant's May 9, 2005 response to the November 9, 2004 official action, applicant provided, through applicant's attorney; 1) a copy of the complete declaration with pages 1, 2 and 3 being included, 2) a copy of the return postcard for Applicant's March 12, 2002 response clearly reciting that the three page declaration was received by the Office, and 3) a copy of the corresponding proof of mailing of the March 12, 2002 response the included the signed declaration.

In applicant's May 9, 2005 response, applicant requested that the Examiner indicate that the error resulting from the Office missing page 2 of the declaration was not due to applicant's failure to provide the claim of priority within the time frame required by 37 C.F.R. §1.78. Additionally, applicant requested that the Examiner accord to this application the benefit of the claim of priority to United States provisional application serial number 60/265,347 and to amend the specification accordingly.

In the official action bearing a mailing date of May 24, 2005, which was sent in reply to applicant's May 9, 2005 response, the Examiner was silent regarding the claim of priority and the request to amend the application accordingly.

Letters of inquiry were previously sent on July 27, 2005 and October 19, 2005 requesting the examiner reply to applicant's claim of priority. However, as of the date of this petition, no reply to those letters has been received by the undersigned.

**PETITION**

Accordingly, Applicant submits that the rejection of applicant's claim of priority to United States provisional application no. 60/265,347 filed January 31, 2001 is in error and hereby petitions the Office to enter the claim of priority into this application.

Therefore, applicant again submits the following Exhibits and arguments in support of applicant's claim of priority.

- Exhibit 1: A copy of the Completion of Filing Requirements—Nonprovisional application submitted on March 12, 2002 and bearing the mailing certification under 37 C.F.R. §1.8 clearly showing the mailing date of March 12, 2002;
- Exhibit 2: A copy of the three-page declaration submitted as an attachment to the document listed as Exhibit 1 on March 12, 2002; and
- Exhibit 3: A copy of the return postcard for the documents listed as Exhibits 1 and 2 above, with the official receipt stamp indicating receipt by the United States Patent and Trademark Office on March 20, 2002 of the submissions dated March 12, 2002, including specifically the "Declaration of Stephen B. Maguire (3 pages)."

37 C.F.R. §1.78(a)(5) states that "Any non provisional *application* or international *application* designating the United States of America claiming the benefit of one or more prior-filed provisional applications must contain or be amended to contain a reference to each such prior-filed provisional application, identifying it by the provisional application number (consisting of series code and serial number)" (emphasis added).

37 C.F.R. §1.78(a)(5)(ii) goes on to state "This reference must be submitted during the pendency of the later-filed application. If the later filed application is an application under 35 U.S.C. §111(a), this reference must also be submitted within the later of four months from the actual filing date of the later-filed application or sixteen months from the filing date of the prior-filed provisional application."

Since a complete "application" as defined by 37 C.F.R. §1.51 specifically contains the oath [see 37 C.F.R. §1.51(b)(2)], it is submitted that the reference to the prior-filed provisional application was made in the application within the time frame required under 37 C.F.R. §1.78(a)(5)(ii) under the mailing requirements of 37 C.F.R. §1.8, as supported by Exhibits 1, 2 and 3.

Accordingly, applicant requests that the present application be accorded the benefit of the claim of priority to United States provisional application serial number 60/265,347 filed January 31, 2001, and that the request to amend the specification to contain the reference to the prior-filed provisional application be accepted.

**Fee**

Applicant does not believe any fees should be required for this petition due to the fact that the delay in entering the claim of priority was not due to any error by applicant. However, to the extent there is any fee required in connection with the receipt, acceptance and/or consideration of this paper, please charge all such fees to Deposit Account 50-1943.

**DOCUMENTS FILED CONCURRENTLY HEREWITH**

Applicant submits, concurrently herewith, a Petition to Revive Presumably Abandoned Patent Application and all such fees require by that petition are authorized by that petition.

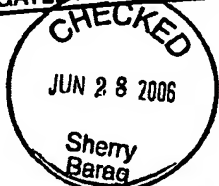
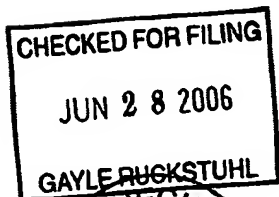
Respectfully submitted,



CHARLES N. QUINN  
Registration No. 27,223  
Attorney for Applicant

Date: 28 June 2006

Fox Rothschild, LLP  
2000 Market Street, 10<sup>th</sup> Floor  
Philadelphia, PA 19103  
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PH2 261966v1 06/28/06

Certificate of Mailing Under 37 C.F.R. 1.10

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28 June 2006  
Date of Deposit

  
Signature  
Gayle Ruckstuhl  
Type or print name of person



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Maguire, Stephen B.

Application No.: 10/066,338

Group No.: 1723

Filed: January 31, 2002

Examiner: TBA

For: LIQUID COLOR PUMPING

METHOD AND SUPPLY APPARATUS

Box Missing Part

Assistant Commissioner for Patents

Washington, D.C. 20231

COMPLETION OF FILING REQUIREMENTS  
- NONPROVISIONAL APPLICATION

CERTIFICATION UNDER 37 C.F.R. § § 1.8(a) and 1.10\*

(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional)

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37 C.F.R. 1.8  
☒ with sufficient postage as first class mail. 37 C.F.R. 1.10  
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No. \_\_\_\_\_

☐ facsimile transmitted to the Patent and Trademark Office, 703 \_\_\_\_\_  
TRANSMISSION

Date: March 12, 2002

Sherry Barrag  
Signature

Sherry Barrag  
Type or print name of person certifying

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

I. This replies to the Notice to File Missing Parts of Application (PTO-1533) mailed February 28, 2002.

A copy of the Notice to File Missing Parts of Application--Filing Date Granted (Form PTO-1533) is enclosed.

#### **DECLARATION OR OATH**

II. No declaration or oath was filed. Enclosed is the original declaration or oath for this application, which declaration was executed on February 4, 2002, before the identification of the serial number of this application.

#### **FORMAL DRAWINGS**

III. Formal drawings for this application were dispatched to the U.S. Patent and Trademark Office on March 1, 2002. However, for the Office's convenience, a duplicate set of drawings of nine (9) sheets comprising Figures 1-8 are submitted herewith.

#### **SMALL ENTITY STATUS**

IV. Applicant claims small entity status under 37 C.F.R. 1.127.

#### **COMPLETION FEES**

V.

1. Filing Fee

Original patent application

(37 C.F.R. Section 1.16(a))

\$370.00

2. Fees for Claims

Each independent claim in excess of 3

(37 C.F.R. Section 1.16(b))	\$336.00
Each claim in excess of 20	
(37 C.F.R. Section 1.16(c))	\$423.00

**3. Surcharge Fees**

Late payment of filing fee and/or late filing of original declaration or oath (37 C.F.R. Section 1.16(e))	\$65.00
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**Total Completion Fees     \$1,194.00**

**EXTENSION OF TIME**

**VI.** The proceedings herein are for a patent application, and the provisions of 37 C.F.R. Section 1.136(a) apply.

Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

**TOTAL FEE DUE**

**VII.** The total fee due is:

Completion fees	\$1,194.00
Extension fee (if any)	\$0.00
<b>Total Fee Due</b>	<b>\$1,194.00</b>

**PAYMENT OF FEES**

**VIII.** Enclosed is a check in the amount of 1,194.00.

Please charge Account No. 50-1943 for any fees that may be due by this paper.

Date: 12 March 02



Charles N. Quinn  
Registration No. 27,223  
Fox, Rothschild, O'Brien & Frankel, LLP  
2000 Market Street, 10th Floor  
Philadelphia, PA 19103  
215-299-2135

---

**COMBINED DECLARATION AND POWER OF ATTORNEY**

**(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,  
CONTINUATION, OR C-I-P)**

---

As a below named inventor, I hereby declare that:

**TYPE OF DECLARATION**

This declaration is for an original application.

**INVENTORSHIP IDENTIFICATION**

My residence, post office address and citizenship are as stated below, next to my name. I believe that I am the original, first and sole inventor of the subject matter that is claimed, and for which a patent is sought on the invention entitled:

**TITLE OF INVENTION**

**LIQUID COLOR PUMPING METHOD AND SUPPLY APPARATUS**

**SPECIFICATION IDENTIFICATION**

The specification was filed on January 31, 2002; the serial number has not yet been received.

**ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR**

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in 37, Code of Federal Regulations, Section 1.56.

**PRIORITY CLAIM (35 U.S.C. Section 119(a)-(d))**

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

No such applications have been filed.

**CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S)**  
**(35 U.S.C. Section 119(e))**

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below:

**PROVISIONAL APPLICATION NUMBER**

60/265,347

**FILING DATE**

January 31, 2001

**POWER OF ATTORNEY**

I hereby appoint the following practitioners to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

**APPOINTED PRACTITIONERS**

Charles N. Quinn

John P. Blasko

**REGISTRATION NUMBERS**

27,223

31,149

I hereby appoint the practitioners associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

---

**SEND CORRESPONDENCE TO**

Charles N. Quinn, Esquire  
2000 Market Street  
Philadelphia, PA 19103

**DIRECT TELEPHONE CALLS TO:**

Charles N. Quinn, Esquire  
215-299-2137

---

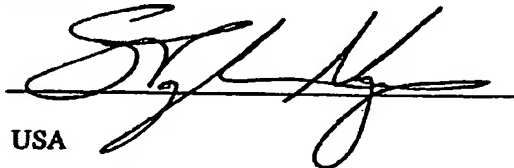
### DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

### SIGNATURES

**Stephen B. Maguire, Inventor**

**Inventor's signature**



**Date**

2/4/02

**Country of Citizenship** USA

**Residence** Glen Mills, PA

**Post Office Address** 1549 E. Street Road, Glen Mills, PA 19342 USA

Docket No.: 40526.10001

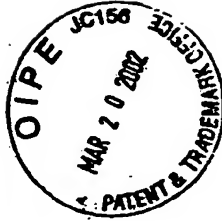
In re: Patent application of  
Stephen B. Maguire  
Serial No.: 10/068,338  
Filed: January 31, 2002  
For: LIQUID COLOR PUMPING METHOD  
AND SUPPLY APPARATUS

The following items were received by the PTO:

Completion of Filing Requirements;  
Copy of Notice to File Missing Parts;  
Declaration of Stephen B. Maguire (3 pages)  
Nine (9) pages of formal drawings comprising  
Figures 1-8  
Check in the amount of \$1,194.00

.....  
The PTO is respectfully requested to place its STAMP on the POSTAL CARD and place it in the  
outgoing mail.

Charles N. Quinn  
Reg. No. 27, 223  
Date: March 12, 2002



PH2 96204v1 03/12/02



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